

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV44-1-MU

JOHN R. ALLEN, Plaintiff,)
Vs.) ORDER
JIMMY HATLEY, et al., Defendants.)

THIS MATTER comes before the Court upon its own motion.

On February 1, 2005, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983 against Defendants Hatley, Hall, and Dail. On February 3, 2005, the Court ordered the Clerk to issue summons and deliver it to the U.S. Marshal for service of process without additional cost.

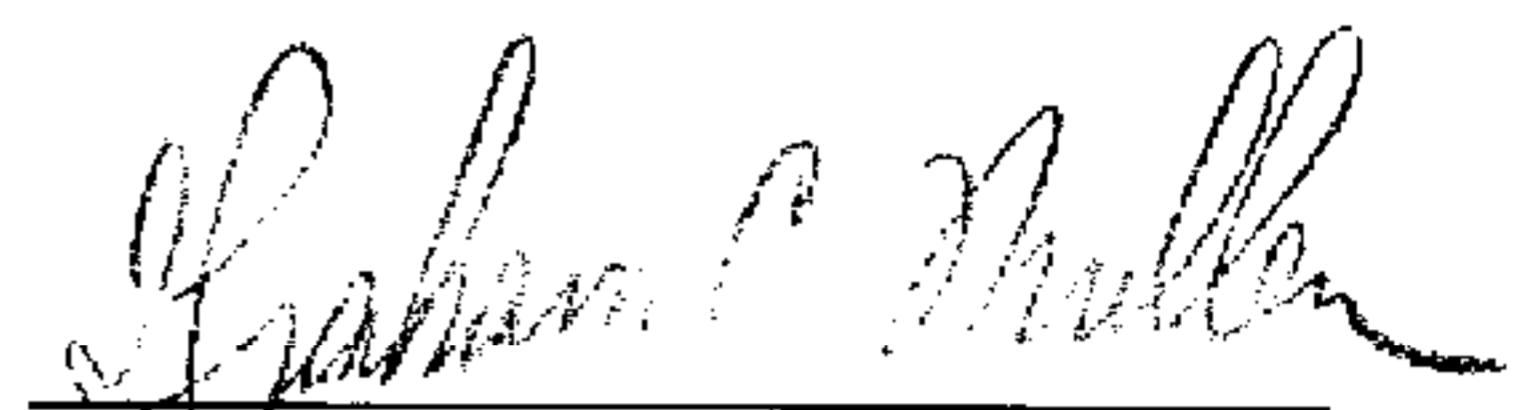
To date, none of the Defendants have responded to Plaintiff's Complaint. Upon reviewing the record the Court has discovered that none of the Defendants were effectively served. That is, a copy of Plaintiff's Summons and Complaint was delivered via certified mail to their place of employment and signed for by Mary Cranford.¹ Such service does not comply with Rule 4(e) of the Federal Rules of Civil Procedure.

IT IS, THEREFORE, ORDERED that Clerk shall reissue summons and deliver it forthwith to the U.S. Marshal who will make service of process without additional cost

¹ There is no indication in the record that Mary Cranford is an agent authorized to receive service of process.

on all Defendants in compliance with the mandates of Rule 4(e) of the Federal Rules of Civil Procedure.

This 29th day of April, 2005.



Graham C. Mullen
Graham C. Mullen, Chief Judge
United States District Court